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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,548	11/03/2000	Yuichi Kato	50063-059	4661

7590 12/07/2004

McDermott Will & Emery
600 13th Street NW
Washington, DC 20005-3096

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,548

Applicant(s)

KATO ET AL.

Examiner

Vincent F. Boccio

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/01</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

1. Claim 2 is objected to because of the following informalities:

{A} Claim 2, line 2, recites, "effect icludes",

the examiner suggest, "includes", in view of being misspelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Escobar et al. (US 5,659,793).

Regarding claim 1, Escobar discloses and meets the limitations associated with a method and corresponding apparatus for editing motion video to generate a series of edited motion video image data,

the video editing apparatus comprising:

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- an image data memory that stores the plurality of image data (Fig. 7, video is stored as "Video Assets # 275, 703, 132", or video object assets, created Fig. 5 A, "5131 Create Objects");
- an effect setting memory that stores one to one mapping of editing effect (col. 6, objects can be special effects),
- having names (referred to as assets Fig. 7, such as "special effect 15 is a fade chl 1 to chl 2", Fig. 1, "ASSET/OBJECT bin", for selection of objects, also see property window 190, cols. 6-7 etc., "... the properties of an object may be selectively displayed in a properties window 190, also see other objects, "TEXT OVERLAY 120 & 121"),
- used in an editing process to edit effects applied in the series of motion video image data (reference Figs. 1 & 7 and corresponding disclosures);
- wherein an editing management data memory (storing IDL of Fig. 7), which specifies a sequence of image data names (objects), and editing effects names (objects having asset numbers), wherein since the editing effects are assets, assets may be reused or used as many times as desired by a user (col. 6, "objects ... may be reused", also col. 8, "use of reusable computer program objects which can be dragged and dropped onto interactive tracks", also see col. 8, lines 37-42 etc., "hypertext, yes/no, going, jumping, spawning and opening another object");
- an image editing unit that implements the editing according to the editing management data, based on the mapping stored in the memory (bins of assets), so as to generate the series of edited video etc.....,
- a modification unit that enables a user to modify the mapping stored in the effect setting memory (Fig. 5 A, "5132 Edit Objects", Figure 5 C, "select BIN & Object 5305, 5310, "make changes 5330", save 5350", editing object basic flow chart for editing objects).

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Regarding claims 2-10, Escobar further meets the limitations of:

- wherein the special effects includes a screen effect (met by one of special effects, overlay, even YES/NO interactive objects), set in advance (editing or creation of IDL or Fig. 7, even Fig. 5 B, creation of objects, thereafter editing Fig. 7, creation of IDL), to be applicable for the image data (asset objects, Fig. 7), wherein the mapping relates each of the effect names to at least one of a type of processing (Fig. 7, "overlay, fade and/or YES/NO");
- the screen effects include transition applied in a process of switching from one image data to another (Fig. 7, "Special effect 15, being a fade from chl 1, being asset 275 {based on the track of origin}" to chl 2, asset 703" or between one image data {set/clip/segment}, to another video asset);
- superimposing type (overlay type assets, even a YES/NO) of an auxiliary image (overlay image itself, also a YES/NO interactive text, may be an overlay), on a part (overlay), of a main image (video asset), where each object is mapped/stored data, corresponding to, their functions, wherein the overlay can be caption met by text overlay 120 in Fig.7;
- wherein each object includes a name (Fig. 7, met by asset numbers) and based on the defined time codes of Fig.7, can be placed any location as desired beginning, middle or an intermediate location, any time locations as desired, base on the begin and end time codes of Fig. 7, stored in the Asset/object Bin, selectable thru the window as provided in Fig. 1;
- wherein creating objects can be accomplished by (Fig. 5 B, "FILL OR EDIT TEMPLATE"), wherein each created object, also is, "an effect setting template", in which has a predetermined editing effect name (given), is mapped to a predetermined editing effect (transition or other types), corresponding to objects that are created, used, even edited (Figs. 5 B, 5 C etc..... and col. 9, lines 20-45 and col. 9, lines 46-63).

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Claims 11-21, are corresponding method claims including medium, and computer readable medium, record medium, with a specific program is recorded to facilitate the process (met by Fig. 2 etc., being a workstation with operating system Windows and other editing software col. 7, line 66 to col. 8, line 30 etc.....).

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
11/27/04


VINCENT BOCCIO
PRIMARY EXAMINER